

09-06-05

DA/3623
JW
JRW

In Re Application Of:	David O. McGoveran
Serial No.	09/476,711
Filed:	12/30/1999
For:	A Declarative Meth...

Examiner: Andre Boyce
Group Art Unit: 3623
Atty. Docket No: McG-003
Date: Sept. 2, 2005

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SIR: Transmitted herewith is a Correction of Non-Compliant Amendment for the above Application, along with a copy of the Notice of Non-Compliant Amendment.

Also enclosed are, in the order preferred, the alternative petitions for Extension of Time or for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

The Commissioner is herewith authorized to charge payment of any necessary fees, or credit any overpayment, to Deposit Account 50-0705 associated with this communication for any related purpose, including: (A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

Any additional filing fees required for presentation of extra claims

Any extension or petition fees.

Petitioner respectfully apologizes for the 5-day delay. A complete upgrade to and substitution of attorney's computers (hardware, operating systems, and applications, for two different platforms which had been joined), that had been originally scheduled to be completed by July was only completed at the very end of August. Six weeks of the delay was from non-delivery of new hardware from Dell Computer, due to their unannounced discontinuance of the computer that had been ordered. Only after both systems had been replaced and joined was the failure to transfer and update both address and calendar databases, the calendaring software, and the full, writable version of Adobe Acrobat (permitting use of on-line PTO forms) revealed. Physical search of the hardcopy files uncovered the delay in the above application and this immediate response was prepared and filed. Correcting the software absences yet remains to be completed.

Respectfully Submitted:

George S. Cole, Esq.

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EXPRESS MAIL CERTIFICATE

Express Mail" mailing label No:

EV974 800294 VS

Date of Deposit: _____ Sept. 2nd, 2005 _____

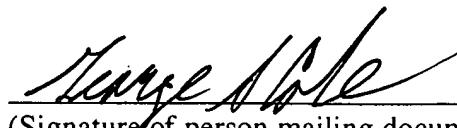
I hereby certify that the following documents:

-
- attorney's cover letter;
 - 2 copies of a petition, in the alternative, for:
 - extension of time; or
 - to revive unintentionally abandoned application;
 - with Deposit Account Authorization;
 - form petition for extension of time;
 - form petition to revive unintentionally abandoned application;
 - payment of the greater sum to revive;
 - Notice of Non-Compliant Amendment;
 - correctly amended claims listing as per Notice;
and,
 - a copy of this Express Mail Certificate;
-

are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:

**Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.**

George S. Cole, Esq.


(Signature of person mailing documents)

George S. Cole, Esq.
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Redwood City, CA 94063

Commissioner of Patents and Trademarks
Attn: Examiner Andre Boyce, Art Unit 3623
Washington, D. C. 20231

Sept. 2, 2005

O I P E IAP₂
PATENT & TRADEMARK OFFICE
SEP 02 2005
Re: Patent Application for "A Declarative Method For Business Management"
David O. McGoveran., Inventor

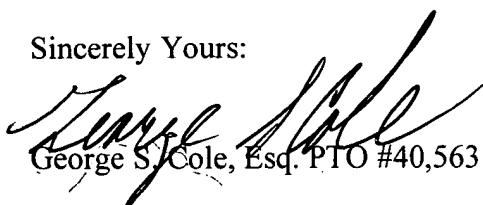
Dear Examiner Boyce:

I have just, to my shock and dismay, found that the 30 day period for correcting the Notice of Non-Compliant Amendment in this application has passed, and that only through searching the hardcopy file for this application.

Rather than delay a moment further I am sending in what I believe to be a fully compliant Amendment in which all the requested cancellations are separately listed, as requested. I have also enclosed a petition to, in the alternative, extend time (as this is a non-final amendment) or to revive a definitely unintentionally abandoned application (as a backup), with both payment of the greater fee and authorization to access and use my deposit account, 500705, with User ID FINA, to cover all necessary fees and costs. As the petition partially explains, the delay was the result of encountering the bleeding edge of updating technology with missed vendor delivery, upgrades that updated the prior software without all the old data (particularly calendar notices), and still missing replacement software (especially Adobe Acrobat's full version, limiting my capacity to download PTO forms and edit them other than by white-out and hand entry).

I believe that these corrections put the amendment in proper form and that it in turn makes this application ready to issue. If there are any questions please contact me immediately by telephone, fax, or email.

Sincerely Yours:


George S. Cole, Esq. PTO #40,563

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,711	12/30/1999	DAVID O. MCGOVERAN		8198

7590 07/28/2005

GEORGE S COLE
495 SEAPORT COURT SUITE 101
REDWOOD CITY, CA 94063

[REDACTED] EXAMINER

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7-12-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:
 A. Amended paragraph(s) do not include markings.
 B. New paragraph(s) should not be underlined.
 C. Other _____
2. Abstract:
 A. Not presented on a separate sheet. 37 CFR 1.72.
 B. Other _____
3. Amendments to the drawings: _____
4. Amendments to the claims:
 A. A complete listing of all of the claims is not present.
 B. The listing of claims does not include the text of all claims (including withdrawn claims)
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 D. The claims of this amendment paper have not been presented in ascending numerical order.
 E. Other: Need to included 1-30 Cancel and 31-111 cancel

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

BEST AVAILABLE COPY

M. Price

Legal Instruments Examiner (LIE)

571-272-6603
Telephone No.

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